IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15293 of 2004

Between:

Kolla Viswanatham S/o. Venkata Subbaiah
Anaparru Village, Pedanandipadu Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in passing the suspension order in proceedings Rc. 3250/2004-G, Dt. 7.7.2004 suspending the authorization of the petitioner as Fair Price Shop Dealer of Annaparru Village, Pedanandipadu Mandal, Guntur District, as illegal, arbitrary and consequently direct the respondents not to give effect to the proceedings of the 2nd respondent dt. 7.7.2004 pending the appeal before the 1st respondent, and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for Respondents: The Government Pleader for Civil Supplies

The Court at the stage of admission made the following Order:

The petitioner is the authorized dealer in respect of the Fair Price Shop of Annaparru Village, Pedanandipadu Mandal, Guntur District. His authorization was suspended by the second respondent-Revenue Divisional Officer, Guntur through his proceedings dated 7-7-2004, pending enquiry into the alleged irregularities in distribution of commodities. Aggrieved by the same, this writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Admittedly, against the order impugned, an alternative remedy is available by way of appeal before the first respondent-Joint Collector and the petitioner has already preferred such an appeal along with application for stay. Since the statutory appeal is pending before the first respondent, the petitioner cannot simultaneously invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the relief as prayed for cannot be granted. However, keeping in view the plea of the petitioner that the first respondent has not considered his appeal and no orders have been passed even on his application for stay so far, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay in the appeal filed by the petitioner against the order of the second respondent dated 7-7-2004 as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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kdl 30-08-2004

To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal, Guntur District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court

Buildings, A.P., Hyderabad. (OUT).

5 Two C.D. Copies.